COASTAL CONSERVANCY

Staff Recommendation
March 10, 2005

CODORNICES CREEK RESTORATION, PHASE II

File No. 04-108
Project Manager: Brenda Buxton

RECOMMENDED ACTION: Authorization to disburse up to $815,000 to the City of Albany for restoration of approximately one-third mile of Codornices Creek between 5th Street and 8th Street in the Cities of Albany and Berkeley.

LOCATION: Codornices Creek, City of Albany, Alameda County

PROGRAM CATEGORY: San Francisco Bay Conservancy

EXHIBITS

Exhibit 1: Project Location and Site Map

Exhibit 2: Mitigated Negative Declaration

Exhibit 3: Mitigation Monitoring and Reporting Program

Exhibit 4: Letters of Support

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31160-31164 of the Public Resources Code:

"The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed eight hundred fifteen thousand dollars ($815,000) to the City of Albany for habitat restoration along Codornices Creek, subject to the following conditions:

1. No Conservancy funds shall be disbursed until the Executive Officer of the Conservancy has reviewed and approved in writing:

   a. Any contractors to be used;

   b. A final work plan, including a final budget and schedule; and

   c. A signing plan acknowledging the Conservancy's funding of this project.

2. The City shall implement the Mitigation Monitoring Program measures as set forth in the Mitigation Monitoring Program, attached as Exhibit 3 to the accompanying staff recommendation.

3. The City shall maintain the habitat restoration improvements for a period of no less than 20 years.

Staff further recommends that the Conservancy adopt the following findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and criteria set forth in Chapter 4.5 (Sections 31160-31164) of Division 21 of the Public Resources Code regarding the enhancement of natural resources of the San Francisco Bay Area.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 25, 2001.
3. The proposed project is consistent with the City of Albany's General Plan, the City of Berkeley's West Berkeley Plan and University of California's University Village and Albany/Northwest Berkeley Properties Master Plan.
4. The Conservancy has independently reviewed the mitigated Negative Declaration and the Mitigation Monitoring Program for the Codornices Creek Improvement Plan, attached to the accompanying staff recommendation as Exhibits 2 and 3.
5. The project, as mitigated, avoids, reduces or mitigates the possible effects of the project to a level of insignificance and therefore there is no substantial evidence that the project, as revised, may have a significant effect on the environment."

PROJECT SUMMARY:

The City of Albany is requesting Conservancy funding of up to $815,000 for restoration of approximately one-third mile of Codornices Creek between 5th and 8th Streets in the Cities of Albany and Berkeley.

Staff recommends funding this project so the City of Albany can complete the creek restoration project that commenced the summer of 2004. Codornices Creek is the only creek left in Berkeley and Albany where, for most of its run, it is not buried in underground culverts. This creek presents some of the best opportunities for riparian restoration in the urbanized East Bay. The City of Albany seeks funding to complete a creek restoration project that will address flooding and bank stability problems as well as improve habitat for riparian species including the steelhead trout currently found in the creek.

The project began in the mid-1990's when the University of California began its redevelopment of the University Village student housing. As an alternative to culverting or channelizing the creek, the Cities of Albany and Berkeley and other stakeholders worked with the University to create a project that would allow for creek restoration and trail linkages. This project serves as a model of how to improve an urban creek while meeting the region's need for recreational

opportunities, trails, natural habitats, and housing.

The City of Albany, the project lead, proposes to regrade the Codornices Creek channel and move infrastructure away from the channel to increase creek habitat and flood plain function. The new, more sinuous channel will feature a series of pools, riffles, and runs, which will create spawning and refuge areas for aquatic species, including the steelhead/rainbow trout found in the creek. As part of the project, the City will move a concrete wall out of the flood plain and replace two culverts with bridges. Bridges will improve flood conveyance while allowing for a more natural creek channel. The project will also remove the existing exotic vegetation and replant the creek banks with native riparian species. During the summer of 2004, the City restored a quarter mile of creek channel between the railroad tracks and 5th Street. When combined with the currently completed creek restoration project, the project in this proposed staff recommendation (in the area between 5th Street and 8th Street) will restore close to a mile of creek. (See Exhibit 1.)

The project considered under this authorization will include construction of a bicycle and pedestrian trail from the bridge at 5th Street to San Pablo Avenue. This trail will provide a link between the Bay Trail and another regional trail, the Ohlone Greenway. However, trail construction is not funded by this authorization. The City of Albany will use other funding sources for trail work.

This is a cooperative project between the Cities of Albany and Berkeley and the University of California, the main landowner in the project area. However, the City of Albany has taken the lead in planning for the creek restoration project. The City of Albany has completed an extensive planning, design, and CEQA review process, received grant funds, including $985,123 from the Department of Water Resources' Urban Creeks Program, and provided matching funds from a city-wide creek restoration and open space bond.

Site Description: Codornices Creek is a year-round freshwater stream that originates from springs and runoff in the Berkeley hills and terminates at Golden Gate Fields Salt Marsh, south of Buchanan Street and adjacent to Eastshore State Park. Codornices Creek supports small populations of steelhead/rainbow trout in the lower creek.

Historically, the creek wound through a marshy grassland and ended in one of the East Bay's largest salt marshes – now the location of Golden Gate Fields. The land around the creek area was filled and used for a variety of purposes, including industrial uses and shipyard worker housing during World War II. This housing was taken over by University of California for student families. The University is in the process of redeveloping this housing complex.

Today, the creek is overly straightened and constricted by road crossing culverts. However, redevelopment of the surrounding area has allowed for some creek restoration. The block between 8th and 9th Streets was restored in the early 1990's as a condition of a private development. This past summer (2004), the City of Albany finished earthwork to restore another stretch between the railroad culvert and 5th Street.

Project History: The comprehensive planning effort for this section of Codornices Creek started when the University of California began to replace its 50-year-old student housing near the project area.

The community's desire to restore habitat and provide trail linkages along Codornices Creek emerged out of the planning process for the University Village redevelopment. Negotiations took place over a five year period with the University, the ball field users, the US Postal Service (an adjacent landowner), and others in order to gain enough right-of-way to improve the stability and natural functions of the creek, create a trail connecting with the Bay Trail, and not impact current uses adjacent to the creek, including the youth athletic fields.

In April 2000, the Conservancy authorized $100,000 for final engineering and planning for the creek between the railroad tracks and 8th Street. The design and CEQA analysis were completed in May 2004. Last summer, the City completed construction on nearly half of the creek project area and now requests funding to implement the remaining section with this staff recommendation.

PROJECT FINANCING:

Coastal Conservancy	$815,000
Dept. of Water Resources Grant (City of Albany)	$985,000
City of Albany (local bond funds)	$555,000
Total Project Cost	**$2,355,000**

The total project costs include the earthwork on Codornices Creek that was completed last summer as well as the estimated costs for completing the project between 5th and 8th Streets (See Exhibit 1.)

It is anticipated that the Conservancy's funding will come from the funding the Wildlife Conservation Board has provided to the Conservancy from the "Water Security, Clean Drinking Water, Coastal and Beach Protection Fund of 2002" (Proposition 50), which can be used for the protection and restoration of coastal wetlands identified in the *San Francisco Baylands Ecosystem Habitat Goals Report* within the nine-county San Francisco Bay area described in Public Resources Code Section 31162. As discussed below, restoration of Codornices Creek is called for in the *Goals Report.*

The City is providing extensive matching funds for the project including nearly $1 million from the Department of Water Resources' Urban Creeks Program and over $500,000 from a City creek restoration and open space bond. For the planning stage the City also secured $97,000 from CalTrans for trail planning and $100,000 from the Conservancy (April 2000).

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

This project would be undertaken pursuant to Chapter 4.5 of the Conservancy's enabling legislation, Public Resources Code Sections 31160-31163, to address resource goals in the San Francisco Bay Area.

The Codornices Creek is in the nine-county Bay Area as required under Section 31162 of the Public Resources Code, which authorizes the Conservancy to undertake projects and award grants in the nine-county San Francisco Bay Area that will help achieve the goals of the San Francisco Bay Area Conservancy program.

This project will help achieve these goals because it will, consistent with Section 31162(b), protect, restore, and enhance natural habitats and connecting corridors of regional importance. While many East Bay creeks are open in the headwaters, most streams have been culverted in the urbanized flood plain. In contrast, Codornices Creek, although channelized, is one of the least altered creeks in the East Bay. This creek presents one of the best opportunities in the East Bay to restore natural creek functions and habitat in an urban environment.

Consistent with Section 31162(c), this project will assist in the implementation of the adopted plans of the Cities of Berkeley and Albany and the University of California. The project is consistent with the cities of Albany and Berkeley General Plans both of which call for the restoration of creeks and the construction of bicycle and pedestrian paths. Furthermore, the project is consistent with the University of California at Berkeley's Master Plan for the University Village which has adopted policies to preserve creek corridors and provide pedestrian and bicycle connections through the campus system. The project is also consistent with the City of Albany's Watershed Management Plan and Bicycle Master Plan, the City of Berkeley Bicycle Master Plan and West Berkeley Plan as well as the Joint Watershed Goals Statement signed by the cities of Berkeley, Albany, El Cerrito, and Richmond. In addition, the project is consistent with the resource protection and restoration goals of several regional plans including the Regional Water Quality Control Board Basin Plan and the Comprehensive Conservation and Management Plan for the San Francisco Estuary. The proposal trail connection is consistent with the MTC Regional Transportation Plan. Finally, the project is consistent with the *San Francisco Baylands Ecosystem Habitat Goals Report* which states resource managers should "restore riparian vegetation along Codornices Creek. Also enhance wetland/upland transitions in this area" (p.123).

Consistent with 31162(d), this project will provide open space and natural areas that are accessible to urban populations for recreational and educational purposes. The project site is adjacent to University housing, an elementary school, and athletic fields that serve children through out the region. The trail running along Codornices will link two popular regional trails, the Bay Trail and the Ohlone Greenway. Easily accessible, this creek will provide extensive recreational and educational opportunities.

Consistent with Section 31163(c), the Codornices Creek restoration project the following criteria: (1) is supported by adopted local plans, as discussed above, (2) is multi-jurisdictional and serves a regional constituency since it encompasses two cities and the University of California, connects two regional trails, and is adjacent to regional destinations, (3) can be implemented in a timely way, since construction started on the first phase last summer, (4) provides opportunities for habitat and recreational benefits that could be lost if the project is not quickly implemented due to scheduling constraints placed on the project by the University's redevelopment project and permit restrictions, and (5) includes matching funds (described under Project Financing).

CONSISTENCY WITH CONSERVANCY'S STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):

Consistent with Goal 10, Objective A, this project will help "acquire, restore, or enhance…10 linear miles of riparian habitat through out the nine Bay Area counties.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** the project has enjoyed a broad base of support among the community. Two nonprofit creek organizations, the Urban Creek Council and the Friends of Five Creeks, have supported the project by providing public outreach and education about the project. Other community-based organizations supporting this project include the Live Oak Codornices Creek Neighborhood Association. Local and regional elected representatives who support the project include State Senator Don Perata and Assembly Representative Loni Hancock. Letters are attached in Exhibit 4.
4. **Location:** Codornices Creek is in the nine-county San Francisco Bay Area consistent with Section 31162 of the Public Resources Code.
5. **Need:** Although the City of Albany has secured matching funds from a variety of sources, it does not have sufficient funding to complete restoration of this entire stretch of creek.
6. **Greater-than-local interest:** Codornices Creek is the only creek in the Cities of Albany and Berkeley left in an open channel and so provides the one of the best opportunity to restore natural creek functions in an urbanized area. This project will attract a variety of visitors since it will connect to two regional trails and is adjacent to a regional athletic field facility and the University's housing complex.

Additional Criteria

7. **Urgency:** Delay of funding would delay construction for at least an additional year due to the restricted period allowed for construction. If creek restoration earthwork is not completed this summer then the creek work could interfere with the University's housing redevelopment project and the creek project would then have to be postponed.
8. **Resolution of more than one issue:** The project will decrease flooding, provide recreational opportunities and regional trail connections, and improve riparian habitat.
9. **Leverage:** See the "Project Financing" section above. Approximately two-thirds of the project funding is coming from sources other than the Conservancy.
10. **Conflict resolution:** The project is a model of how to balance the competing demands for land -- housing, sports fields, trails, and restored natural areas – in urban areas.

11. **Readiness:** The grantee has already completed part of the restoration project and once funding is secured, will finish the remaining section of creek this summer.

12. **Realization of prior Conservancy goals:** In April 2000, the Conservancy awarded $100,000 to the City of Albany for the design phase of the project because this was a high-priority resource restoration and recreation project.

15. **Cooperation:** This project involves the cooperation of three entities: the Cities of Berkeley and Albany and the University of California. In July 2004, these three signed a MOU outlining construction responsibilities and long-term operation and maintenance.

CONSISTENCY WITH SAN FRANCISCO BAY PLAN:

This project is outside of the jurisdiction of the Bay Plan. However, the project is consistent with several of the Bay Plan's policies regarding aquatic resources calling for the conservation and increase of endangered or threatened species and their habitat (Part III, The Bay as a Resource, Policy No. 2 regarding Fish, Other Aquatic Organisms, and Wildlife).

COMPLIANCE WITH CEQA:

As the lead agency under California Environmental Quality Act (CEQA), the City of Albany prepared a draft Mitigated Negative Declaration for the Codornices Creek Improvements Plan (See Exhibit 1). The draft Initial Study and Mitigated Negative Declaration were noticed and circulated for public review on March 5, 2004 for a 30-day comment period. Comments were received and a Response to Comments prepared. The City of Albany adopted the mitigated Negative Declaration and the Mitigation Monitoring Program on May 17, 2004 (See Exhibits 2 and 3). The City filed its Notice of Determination on May 24, 2004.

The Mitigated Negative Declaration identified possible significant effects of the project related to construction impacts and public use of the trail adjacent to the creek. Proposed mitigation that will avoid, reduce or minimize the possible effect to a level of insignificance include requirements to minimize construction dust and noise, follow specific excavation procedures and relocate steelhead trout. These measures are described in detail in the Mitigation and Monitoring Program, Exhibit 3.

Conservancy staff recommends that the Conservancy approve the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the project. Staff also recommends that the Conservancy find that the project, as mitigated, avoids, reduces, or mitigates the possible effect to a level of insignificance; that there is no substantial evidence that the project, as revised, may have a significant effect on the environment; and that the proposed Negative Declaration reflects the Conservancy's independent judgment and analysis.

Upon approval, staff will file a Notice of Determination for the project.